

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
v.                             ) Civil No.  
                                  )  
                                  )  
                                  )  
2011 NISSAN ARMADA,        )  
VIN: 5N1BA0ND4BN609733,     )  
                                  )  
Defendant.                    )

**COMPLAINT FOR FORFEITURE IN REM**

Plaintiff, United States of America, by its attorneys Tammy Dickinson, United States Attorney for the Western District of Missouri, and James Curt Bohling, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**NATURE OF THE ACTION**

1. This is an action to forfeit property to the United States for violations of 21 U.S.C. §§ 881(a)(3) and (4).

**THE DEFENDANT IN REM**

2. The 2011 Nissan Armada, VIN: 5N1BA0ND4BN609733, was seized from Cesar Omar Rivera-Valencia on May 13, 2014, pursuant to a State of Missouri search warrant at 4429 South Sterling Avenue, Kansas City, Missouri. It is presently in the custody of the United States Marshals Service in Baltimore, Maryland

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over an action commenced by the United

States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. §§ 881(a)(3) and (4).

4. This Court has *in rem* jurisdiction over the defendant pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district; and pursuant to 28 U.S.C. § 1355(b)(1)(B), incorporating 28 U.S.C. § 1395, because the action accrued in this district; and because the defendant is found in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district; pursuant to 28 U.S.C. § 1395, because the action accrued in this district and because the property is located in this district.

#### **BASIS FOR FORFEITURE**

6. The defendant property is subject to forfeiture pursuant to 21 U.S.C. §§ 881(a)(3) and (4) because it is property which was used, or was intended for use, as a container for a controlled substance or listed chemical in violation of 21 U.S.C. § 801, *et seq.*, and it is a conveyance which was used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or listed chemical in violation of 21 U.S.C. § 801, *et seq.*

#### **FACTS**

7. On May 12, 2014, Jackson County Drug Task Force (JCDTF) Detective Rob Romey completed an Application for Search Warrant and Search Warrant for the residence of 4429 S. Sterling, Kansas City, Jackson County, Missouri. The application and warrant were reviewed by State of Missouri, Jackson County Prosecutor Michael Hunt and State of Missouri, Jackson County Judge Jeffery Keal. Both parties signed the application and warrant.

8. On May 13, 2014, at approximately 7:50 a.m., JCDTF Detective Dan Curby observed that the silver Nissan Armada, California license plate 7FQH093, had arrived at the residence. Detective Dan Curby observed that the driver and sole occupant was CESAR OMAR RIVERA-VALENCIA.

9. On May 13, 2014, at approximately 7:54 a.m., Detective Dan Curby observed the north overhead door to the attached garage was open and VALDEMAR RIVERA-MADRIGAL exited the residence and entered a black Ford Ranger parked in the driveway of the residence. VALDEMAR RIVERA-MADRIGAL moved the black Ford Ranger in order for the silver Nissan Armada to enter the north side of the attached garage. VALDEMAR RIVERA-MADRIGAL exited the black Ford Ranger and entered the residence. At approximately 7:56 a.m., the garage door closed.

10. On May 13, 2014, at approximately 8:00 a.m., members of the Jackson County, Missouri, Sheriff's Department Emergency Response Team (ERT) served the search warrant at the residence. Present at the residence were three subjects: CESAR OMAR RIVERA-VALENCIA, the driver of the Silver Nissan Armada; VALDEMAR RIVERA-MADRIGAL, who was the driver of the Black Ford Ranger; and a juvenile (under 17 years of age). All subjects were detained at the scene.

11. On May 13, 2014, at approximately 8:20 a.m., the residence was secured. Jackson County Sheriff's Deputy Jason Briggs advised that when ERT knocked on the front door VALDEMAR RIVERA-MADRIGAL walked to the front door, saw them, and then turned and ran away. Deputy Jason Briggs stated that all three subjects were taken into custody in the basement. All three subjects were transported to the Sugar Creek, Missouri, Police Department,

subsequently; the juvenile was taken to the Jackson County, Missouri, Juvenile detention center for processing.

12. On May 13, 2014, at approximately 8:30 a.m., DEA Special Agent (SA) Joseph Geraci, DEA Group Supervisor Erik Smith, and the investigators with the Jackson County Drug Task Force (JCDTF) began a search of the residence and discovered in the garage the silver 2011 Nissan Armada, VIN: 5N1BA0ND4BN609733, California License 7FQH093, registered to CESAR OMAR RIVERA VALENCIA, with a registered address in Downey, California.

13. On May 13, 2014, at approximately 8:45 a.m., Deputy John Beggs, with the Jackson County Sheriff's Department, conducted a canine search of the exterior of the vehicle. Deputy John Beggs' canine partner ("Blitz") gave a positive alert on the rear bumper of vehicle and front bumper of the vehicle. With the positive indicators, Deputy John Beggs ran his canine partner through the interior of the vehicle, who alerted on the front dashboard of the vehicle.

14. On May 13, 2014, at approximately 8:50 a.m., DEA SA Geraci along with JCDTF investigators and DEA Supervisor Erik Smith, observed the front bumper area and noted fresh tool marks on the screws holding on the front bumper and driver's side fender of the vehicle. Removing the front fender would allow access to the firewall. The area behind the firewall would allow access to the area behind the dashboard where the canine alerted.

15. JCDTF Detectives removed the fender and discovered additional fresh tool marks on a second panel located by the firewall. Detectives removed the second panel and discovered what appeared to be an aftermarket panel in the firewall area of the vehicle, i.e., a hidden compartment. Detectives removed this panel and observed several packages. Packaging in this manner is consistent with the transportation of methamphetamine. JCDTF Detective Chris

Kesler removed and field tested one of the packages, which showed a positive reaction for methamphetamine.

16. JCDTF Detectives conducted a systematic search of the residence. Detectives recovered the following items:

- a. Dining Room  
Kyocera Cellular telephone located on counter  
Red Cellular telephone located inside gray and yellow duffel bag
- b. Northeast Bedroom  
Four black cellular telephones on the floor next to the bed
- c. Southwest Bedroom  
One white cellular telephone located on bed  
One black cellular phone and phone charger located under bed
- d. Kitchen  
Blackberry cellular phone located in drawer on south wall  
Two rolls of green plastic wrapping material located on floor

17. All items were photographed and packaged per JCDTF guidelines. A copy of the search warrant and return were left on a table in the dining room. JCDTF Detectives secured the premises and exited.

18. Based on the above, JCDTF Detective Rob Romey then completed an Affidavit, Application for Search Warrant, and Search Warrant for the silver 2011 Nissan Armada, VIN: 5N1BA0ND4BN609733, California License 7FQH093, registered to CESAR OMAR RIVERA-VALENCIA, with a registered address in Downey, California. Detective Rob Romey contacted Assistant Jackson County Prosecutor Michael Hunt and Circuit Court Judge Jeff Keal and presented the documents for review. After reviewing the documents, both parties signed the Affidavit, Application for Search Warrant, and Search Warrant.

19. After the search warrant for the vehicle was completed, the vehicle was then transported to the Sugar Creek, Missouri, Police Department garage where DEA SA Geraci, DEA Supervisor Erik Smith, and JCDTF detectives conducted a thorough search of the vehicle. SA Geraci, DEA Group Supervisor Erik Smith, and JCDTF Detectives recovered 20 green plastic wrapped bundles of crystal substance (field tested positive for methamphetamine) located within the hidden compartment between the two front fenders inside the firewall of the Nissan Armada. All items were photographed and packaged and stored per JCDTF guidelines. A copy of the vehicle search warrant and return were left for CESAR OMAR RIVERA-VALENCIA as he is the listed registered owner of the vehicle.

20. On May 15, 2014, SA Geraci and JCDTF Detective Eric Burchfield transported the 20 packages of methamphetamine to the DEA Kansas City District Office for processing and transport to the DEA North Central Laboratory. On May 16, 2014, the DEA laboratory received the methamphetamine for analysis. On June 17, 2014, the DEA laboratory provided the results that analyzed and verified the 20 packages to be a total weight of 9,909 grams of d-Methamphetamine Hydrochloride, 99.9% purity.

21. The silver 2011 Nissan Armada, VIN: 5N1BA0ND4BN609733, California License 7FQH093, was transported to the Jackson County Drug Task Force office located in Independence, Jackson County, Missouri for storage as evidence for the criminal proceedings in the State of Missouri.

22. The state of Missouri has not filed a forfeiture action and has declined action for forfeiture on the silver 2011 Nissan Armada, VIN: 5N1BA0ND4BN609733, California License 7FQH093.

23. On September 17, 2014, a Warrant To Seize Property Subject to Forfeiture was issued in the Western District of Missouri, Case No., 14-SW-00252-REL, commanding law enforcement to seize the 2011 Nissan Armada, VIN: 5N1BA0ND4BN609733, for federal forfeiture. On September 22, 2014, SA Geraci executed the Seizure Warrant and seized the 2011 Nissan Armada, VIN: 5N1BA0ND4BN609733.

**CLAIM FOR RELIEF**

**FIRST CLAIM FOR RELIEF**

24. The Plaintiff repeats and incorporates by reference the paragraphs above.

25. By the foregoing and other acts, the defendant 2011 Nissan Armada, VIN: 5N1BA0ND4BN609733, was used, or intended to be used, as a container for controlled substance or listed chemical in violation of 21 U.S.C. § 801, *et seq.*, and therefore, is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(3).

**SECOND CLAIM FOR RELIEF**

26. The Plaintiff repeats and incorporates by reference the paragraphs above.

27. By the foregoing and other acts, the defendant 2011 Nissan Armada, VIN: 5N1BA0ND4BN609733, is a conveyance that was used or intended to be used, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance or listed chemical in violation of 21 U.S.C. § 801, *et seq.*, and therefore, is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(4).

WHEREFORE the United States prays that the defendant property be forfeited to the United States, that the plaintiff be awarded its costs and disbursements in this action, and for such other and further relief as the Court deems proper and just.

Respectfully submitted,

Tammy Dickinson  
United States Attorney

By: /s/ James Curt Bohling  
James Curt Bohling, #54574  
Chief, Monetary Penalties Unit  
Assistant United States Attorney  
400 E. 9<sup>th</sup> Street, Fifth Floor  
Kansas City, Missouri 64106  
Telephone: (816) 426-3122  
E-mail: <mailto:curt.bohling@usdoj.gov>

## **VERIFICATION**

I, Special Agent Joseph Geraci, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Drug Enforcement administration, that I have read the foregoing Verified Complaint in Rem and know the contents thereof, and that the factual matters contained in paragraphs seven through twenty-three of the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the Drug Enforcement Administration.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated 10/31/2014

/s/ Joseph Geraci  
Joseph Geraci  
Special Agent  
Drug Enforcement Administration